

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01665

**JOINT MOTION FOR ENTRY OF AN ORDER ESTABLISHING PROCEDURE FOR
DESIGNATION AND THE USE OF DEPOSITION TESTIMONY AT TRIAL**

The parties jointly submit this Motion for Entry of an Order Establishing Procedure for Designation and Use of Deposition Testimony at Trial, which requests entry of the Proposed Order attached as Exhibit A. The Proposed Order will establish the schedule for the designation of deposition testimony for the bench trial currently set to start on October 19. This Proposed Order will replace the current deposition designation schedule—under which designations are currently due on September 23—with a rolling process for deposition designations.

The parties submit that due to the complexity of this case, a rolling process for designating and objecting to deposition designations should be adopted. The Proposed Order implements that approach, and sets forth a procedure under which the parties will disclose

designations and objections the week before they are to be played or submitted to the Court.

Under this approach, the parties will have the flexibility to tailor their designations to account for other evidence that is introduced at trial, likely resulting in fewer designations and objections that would need to be resolved by the Court. For this reason, the parties expect that the Proposed Order will reduce burden on both the parties and the Court and result in efficiencies at the upcoming trial.

Accordingly, the parties jointly request the Court so-order the Proposed Order attached as Exhibit A.

Dated: September 20, 2020

Respectfully Submitted,

Plaintiffs,

THE CITY OF HUNTINGTON and
CABELL COUNTY COMMISSION

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 20th day of September, the foregoing “JOINT MOTION FOR ENTRY OF AN ORDER ESTABLISHING PROCEDURE FOR DESIGNATION AND THE USE OF DEPOSITION TESTIMONY AT TRIAL” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jeffrey M. Wakefield
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